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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,997	09/29/2000	Will A. Egner	NORR-0009-US(13212RRUS02U	2652

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EXAMINER

EWART, JAMES D

ART UNIT

PAPER NUMBER

2683

12

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,997

Applicant(s)

EGNER ET AL.

Examiner

James D Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5-11,13-23,25-37,39 and 42-49 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 3,5-11,13-23,25-37,39 and 42-49 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Arguments

1. The applicants arguments regarding prior art rejections under 35 U.S.C. 102(e) and 103(a), February 03, 2004, have been fully considered by the Examiner, but they are not persuasive.

2. In response to claim 42, applicant argues that Ogasawara does not teach a subsystem to track the location of a person, a controller to receive video images from different ones of a plurality of video cameras based on tracking the person wherein the controller creates a video album from the received video images. Ogasawara tracks a person as they enter or leave a store via an ID tag held by the customer and the interrogator unit. Ogasawara states that "As a customer enters a particular establishment, the system according to the invention interrogates the customer ID card and accesses the customer ID number contained therein. At the same time, a videographic image is taken of the customer as they enter the establishment." (Column 3, Lines 62-67). Ogasawara also has multiple video cameras and states that "the commercial establishment includes entrance gateseach entrance gate further includes videographic image collection means, such as a video camera, which captures videographic image of a customer as they enter the establishment." (Column 4, Lines 24-30). Regarding a video album, Ogasawara says "Each customer's data record advantageously includes a photo log consisting of a number of historical visual images of the customer." (Column 14, Lines 22-24).

3. In response to claims 3, 18, and 29, applicant sargues that DeTemple does not suggest sending advertising information to present to a user on one of the fixed presentation devices in the proximity of the user based on a determined location of a user. DeTemple teaches a system for tracking the position of customers via shopping cart or basket, creating a customer profile and

displaying pricing, advertising and other specialized information at remote display modules which are connected to a central computer. Both the fixed presentation devices and the customer are in proximity since they are both in the store. Claim 3 only indicates in the proximity and does not say within sight of the customer. What DeTemple is lacking is sending targeted advertising based on the determined location of the customer. Owensby provides this missing part of sending targeted advertising based on the determined location of the customer.

4. In response to applicant's argument that there is no suggestion to combine DeTemple and Owensby, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the systems of DeTemple and Owensby both include a tracking system for tracking the customer, a customer profile and both include providing advertising to the customer on a display. Owensby however provides targeted advertising based on the location of the user (abstract). The reason to combine DeTemple with Owensby is the same reason that Owensby teaches sending targeted advertising which is to provide targeted messages to a customer (0011) to provide more value to the effectiveness of the advertisement (0008, last sentence).

5. In response to claim 39, DeTemple teaches tracking the location of customers via shopping cart or basket as the customer changes location. See the response to claim 42 for the teaching of Ogasawara.

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6. In response to claims 13 and 26, the Shapira reference is only used to show a teaching of determining one or more common interests of the users and sending information based on the one or more common interests.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claim 42 is rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara (U.S. Patent No. 6,513,015).

Referring to claim 42, Ogasawara teaches a system comprising: a controller adapted to identify a location of a person (Column 3, Lines 23-27 and Column 10, Lines Lines 51-57) and to receive video images of at least one of the person and an environment in the proximity of the person (Column 14, Lines 22-45 and Figure 1), the controller adapted to communicate the received images to a remote node (Column 3, Lines 65-67) and a sub-system to track the location

of the person (Column 10, Lines 51-57), the control adapted to receive video images from different ones of a plurality of video cameras based on the where the person is located (Column 3, Lines 23-27; Column 4, Lines 27-30; Column 8, Lines 55-58 and Figure 1, 14); the controller adapted to create a video album from the received video images (Column 14, Lines 22-45). The person is tracked as they enter and exit the commercial establishment via the interrogator antenna.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-11, 14, 15, 18-23, 25, 27-30, 32-37 and 43-47 are rejected under 35

U.S.C. 103(a) as being unpatentable over DeTemple et al (U.S. Patent No. 5,572,653) in view of Owensby (U.S. Patent Publication 2002/0077130).

Referring to claims 3, DeTemple et al discloses a method of communications in a geographic region having a plurality of fixed presentation devices (Figure 1; 28 and 30 and Column 4, Lines 20-22) that are located at respective fixed positions (Figure 2; 28, 30 and 16), comprising: determining a location of a user (Column 4, Lines 22-25 and Column 8, Lines 37-39); and sending information to present to the user on a presentation device in the proximity of the user (Column 1, Lines 20-26 and Column 2, Lines 66 – Column 3, Line 17), but does not teach

sending information based on the determined location and determining from a user profile advertising information of interest to the user wherein sending the information comprises sending the advertising information. Owensby teaches sending information based on the determined location (0011) and determining from a user profile advertising information of interest to the user (0011) wherein sending the information comprises sending the advertising information (0010). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al with the teachings of Owensby of sending information based on the determined location and determining from a user profile advertising information of interest to the user wherein sending the information comprises sending the advertising information to provide targeted messages to a customer (0011).

Referring to claims 18, 19, 29, 31 and 32, DeTemple et al discloses a method of communications in a geographic region having a plurality of fixed presentation devices (Figure 1; 28 and 30 and Column 4, Lines 20-22) that are located at respective fixed positions (Figure 2; 28, 30 and 16), comprising: determining a location of a user (Column 4, Lines 22-25 and Column 8, Lines 37-39); and sending information to present to the user on a presentation device in the proximity of the user (Column 1, Lines 20-26 and Column 2, Lines 66 – Column 3, Line 17), but does not teach sending information based on the determined location and determining from a user profile information of interest to the user wherein sending the information comprises sending the determined information. Owensby teaches sending information based on the determined location (0011) and determining from a user profile information of interest to the user (0011) wherein sending the information comprises sending the determined information (0010). Therefore, at the

time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al with the teachings of Owensby of sending information based on the determined location and determining from a user profile information of interest to the user wherein sending the information comprises sending the determined information (0010) to provide targeted messages to a customer (0011).

Referring to claims 5, 6, 43, 44, 45, 46 and 47, DeTemple et al further teaches updating the user profile based on actions/products purchased of the user (Column 8, Lines 20-30) but does not teach wherein determining the advertising information of interest to the user is based on the updated user profile. Owensby teaches wherein determining the advertising information of interest to the user is based on the updated user profile (0010, last 5 lines). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al with the teaching of Owensby wherein determining the advertising information of interest to the user is based on the updated user profile to provide targeted messages to a customer (0011).

Referring to claim 7, DeTemple et al further discloses determining the location of the user comprises using information from a local tracking system within the geographic region (Column 7, Line 66 to Column 7, Lines 19 and Column 8, Lines 37-39).

Referring to claim 8, DeTemple et al further discloses wherein determining the location of the user comprises determining the location within a facility (Column 7, Line 66 to Column 7, Lines 19 and Column 8, Lines 37-39).

Referring to claim 9, DeTemple et al further discloses wherein determining the location is based on a location of a tracking device (Column 7, Line 66 to Column 7, Lines 19 and Column 8, Lines 37-39).

Referring to claims 10, 22 and 23, DeTemple et al further discloses wherein determining the location is based on communication of signals between the tracking device carried by the user and a network of antennas (Column 7, Line 66 to Column 7, Lines 19 and Column 8, Lines 37-39). Examiner equates pushing the cart, which has the tracking device, with carrying the tracking device.

Referring to claim 11, DeTemple et al teaches sending the information comprises sending information to present on a presentation device separate from the tracking device (Figure 2 and Column 7, Lines 66-67).

Referring to claim 14, DeTemple et al further teaches receiving data collected from one or more input devices of activities of the user (Column 8, Lines 20-29).

Referring to claim 15, DeTemple et al further teaches wherein receiving the data comprises receiving data collected from one or more input devices in the proximity of the user (Column 4, Lines 29-41).

Referring to claims 20 and 30, Owensby further teaches wherein sending the determined information comprises sending advertising information targeted to the interest of the user based on the user profile (0010, Lines 7-11).

Referring to claim 21, DeTemple et al further discloses wherein the information to present on one of the fixed presentation devices comprises one of video data and image data (Figure 1, 30 and Column 10, Lines 18-21).

Referring to claim 25, DeTemple et al further discloses wherein the controller is adapted to retrieve location information of a plurality of users (Column 7, Line 67).

Referring to claim 27, DeTemple et al further discloses wherein the location information identifies the location of the user in a facility selected from the group consisting of an entertainment facility, a retail facility, a business facility, an educational facility, and a governmental facility (Column 7, Line 67).

Referring to claim 28, DeTemple et al further discloses an interface adapted to communicate over a network with a sub-system comprising the device (Column 10, Lines 10-20).

Referring to claims 33 and 34, DeTemple et al further teaches updating the user profile based on actions/products purchased of the user (Column 8, Lines 20-30).

Referring to claim 35, DeTemple et al further teaches collecting information identifying retail activities/ products purchased of the user (Column 8, Lines 20 – 29).

Referring to claim 36, DeTemple et al further teaches wherein the retail activities comprise visits to retail outlets and purchases of goods or services (Column 8, Lines 20 – 29).

Referring to claim 37, DeTemple et al further teaches wherein the instructions when executed cause the system to further communicate the collected information to a retail entity (Figure 1).

9. Claims 13 and 26 are rejected under 35 USC 103(a) as being unpatentable over DeTemple et al, Owensby and further in view of Shapira (U.S. Patent No. 5,086,394).

Referring to claims 13 and 26, DeTemple et al, and Owensby teach the limitations of claims 13 and 26, but do not teach determining one or more common interests of the users, wherein sending the information comprises sending information based on the one or more common interests. Shapira teaches determining one or more common interests of the users, wherein sending the information comprises sending information based on the one or more common interests (Column 3, Lines 22-26). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al and Owensby with the teachings of Shapira of determining one or more common interests of the users, wherein sending the information comprises sending information based on the one or more common interests to bring together people, who, by their own standards, are desirous of meeting (Column 2, Lines 13-16).

10. Claim 16 is rejected under 35 USC 103(a) as being unpatentable over DeTemple et al, Owensby and further in view of Ogasawara.

Referring to claim 16, DeTemple et al and Owensby teach the limitations of claim 16, but do not teach wherein receiving the data comprises receiving data collected using one or more video cameras (Figure 1). Ogasawara teaches wherein receiving the data comprises receiving data collected using one or more video cameras (Column 4, Lines 27-30). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al and Owensby with the art of Ogasawara wherein receiving the data comprises receiving data collected using one or more video cameras to detect unauthorized use of a customer ID card (Column 14, Line 34) and to provide personalized service to a customer (Column 15, Line 3, 26-30).

11. Claim 17 is rejected under 35 USC 103(a) as being unpatentable over DeTemple et al, Owensby and Ogasawara and further in view of Narasimhan et al (U.S. Patent No. 6,237,145).

Referring to claim 17, DeTemple et al, Owensby and Ogasawara teach the limitations of claim 17 including storing the received data collected by one or more video cameras in a video images Ogasawara, Column 14, Lines 22-45), but do not teach that it is accessible by the user. Narasimhan et al teaches providing profile access to the user (Column 8, Lines 4-13). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al, Owensby and Ogasawara with the teachings of

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Narasimhan et al of providing profile access to the user so that the user may update his or her own profile as necessary (Column 8, lines 4-5).

12. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeTemple et al. in view of Ogasawara.

Referring to claim 39, DeTemple et al teaches a data signal embodied in a carrier wave and containing instructions that when executed cause a system to: track a location of a user as the user changes location (Column 3, Lines 10-13), but does not teach receive video data collected from plural cameras in the proximity of the user based on tracking the location of the user; and store the video data in a video album. Ogasawara teaches receive video data collected from plural cameras in the proximity of the user based on tracking the location of the user (Column 4, Lines 22-33; Column 8, Lines 20-30 & 55-58 and Figure 1, 14) and store the video data in a video album (Column 8, Lines 25-30). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al with the teachings of Ogasawara of receive video data collected from plural cameras in the proximity of the user based on tracking the location of the user and store the video data in a video album to detect unauthorized use of a customer ID card (Column 14, Line 34) and to provide personalized service to a customer (Column 15, Line 3, 26-30). The person is tracked as they enter and exit the commercial establishment via the interrogator antenna.

13. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeTemple et al. in view of Ogasawara and further in view of Paff (U.S. Patent No. 5,526,133).

Referring to claim 48, DeTemple et al and Ogasawara teach the limitations of claim 48, but do not teach wherein the instructions when executed cause the system to collect images of the user as the user performs various activities. Paff teaches wherein the instructions when executed cause the system to collect images of the user as the user performs various activities (Column 1, Lines 15-35 and 63-65). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of DeTemple et al and Ogasawara with the teaching of Paff wherein the instructions when executed cause the system to collect images of the user as the user performs various activities to provide a method for logging and retrieving information on video cassettes used in a surveillance system (Column 1, Lines 57-59).

Referring to claim 49, Ogasawara further teaches wherein tracking the location of the user comprises tracking the location of the user based on tracking a tag carried by the user (Column 4, Lines 17-33). The person is tracked as they enter and exit the commercial establishment via the interrogator antenna.

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Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

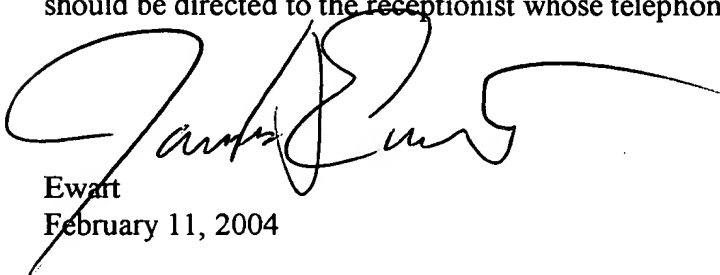
Katz et al. U.S. Patent No. 5,956,081 discloses surveillance system having graphic video integration controller and full motion video.

Soltys et al. U.S. Patent No. 6,460,848 method and apparatus for monitoring casinos and gaming.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



Ewart
February 11, 2004



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